United Nations CEDAW/C/MUS/QPR/8

Convention on the Elimination of All Forms of Discrimination against Women

Distr.: General
4 December 2017

Original: English

Committee on the Elimination of Discrimination against Women

List of issues and questions prior to the submission of the eighth periodic report of Mauritius

General

1. Information and statistics, disaggregated by sex, age, ethnicity, religion and location, on the current situation of women in the State party are required to monitor the implementation of the Convention. In accordance with the State party's obligations under articles 1 and 2 of the Convention and in line with target 5.1 of the Sustainable Development Goals, to end all forms of discrimination against all women and girls everywhere, as well as in the light of the Committee's previous concluding observations (CEDAW/C/MUS/CO/6-7, paras. 2, 23–25, 28–29 and 33–35),[1] please indicate how the State party intends to improve the collection and analysis of data pertaining to the areas covered by the Convention so as to support policymaking and programme development and to measure progress towards the implementation of the Convention and the promotion of substantive equality of women with men, including with regard to the specific areas covered herein.

Constitutional, legislative and institutional framework

2. Please provide information on steps taken to accelerate the incorporation of the Convention into the national legal system so that it becomes fully applicable (para. 13). Please provide an update on the role and mandate of the national human rights institution, including statistics on the number and outcome of complaints received about discrimination against women.

Access to justice

3. Please provide information on measures taken to ensure that women in the State party are aware of their rights under the Convention and have effective access to justice when those rights have been violated. Please also provide information on cases of discrimination against women brought before the courts and their outcome, indicating whether the Convention was invoked in those cases. Please provide information on efforts to give visibility to the Convention, the communications and

Note: The present document is being circulated in English, French and Spanish only.

[1] Unless otherwise indicated, paragraph numbers refer to the Committee's previous concluding observations.

Please recycle

inquiry procedures under the Optional Protocol and the Committee's general recommendations, in particular No. 33 (2015) on women's access to justice, and to make them an integral part of the training for judges, lawyers and prosecutors so as to enable them to directly apply the provisions of the Convention and to interpret national legal provisions in the light of the Convention (para. 13).

Women and peace and security

4. Please indicate measures being taken to adopt a national action plan on women and peace and security in order to implement Security Council resolution 1325 (2000) on the subject, also taking into consideration the Committee's general recommendation No. 30 (2013) on women in conflict prevention, conflict and post-conflict situations. Please also indicate whether the general recommendation has been disseminated widely within the State party and translated into local languages, specifying how it is used. Please provide information on obstacles, if any, to the participation of women in conflict prevention, management and resolution efforts and measures taken to overcome them.

National machinery for the advancement of women

5. In the light of the Committee's previous concluding observations (paras. 3, 6 and 19), please provide information on the activities of the Gender Unit of the Ministry of Gender Equality, Child Development and Family Welfare as the national machinery for the advancement of women and indicate whether it has the mandate and power to coordinate, monitor and evaluate government policies across all ministries and government departments at the national and local levels. Please provide updated information on the implementation of the national gender policy framework of March 2008 and on steps taken to develop, adopt and implement a comprehensive national plan of action for the advancement of women. Please indicate the extent to which the national machinery cooperates with civil society, including non-governmental organizations and associations that promote specific women's rights.

Extraterritorial obligations

6. Please specify steps that the State party is taking, or planning to take, to ensure that its policies and practices regarding the recording of the ownership of companies, trusts, private foundations and partnerships registered in the State party, and the disclosure of that information to the public and the tax authorities of foreign countries, are consistent with its extraterritorial obligations under article 2 of the Convention and do not contribute to large-scale tax avoidance and evasion, which deprive many developing countries, in particular, of resources needed to realize women's rights and tackle discrimination.

Stereotypes and harmful practices

7. In its previous concluding observations (para. 18), the Committee expressed its concern about the persistence of harmful practices and discriminatory stereotypes concerning the roles and responsibilities of women and men in the family and society. Please provide information on the implementation and monitoring of measures subsequently taken by the State party, including awareness-raising campaigns, and their impact and results, to change such stereotypes. Please also specify measures taken to address the stereotyped portrayal of women, including women belonging to minority groups, migrant women, lesbian, bisexual and transgender women and intersex persons.

Gender-based violence against women

8. With reference to paragraph 23 of the Committee's previous concluding observations and the related follow-up report submitted by the State party (CEDAW/C/MUS/CO/6-7/Add.1), please provide additional information on action taken to: (a) combat impunity for domestic violence offences by eliminating all obstacles preventing victims from reporting incidents to the police, prosecuting and adequately punishing perpetrators and providing reparation to women who are victims of domestic violence; (b) raise awareness among women and girls about the criminal nature of all forms of gender-based violence and the harmful effects of such violence on their health and to encourage them to report acts of gender-based violence committed against them in order for the competent authorities to provide effective protective measures, shelters and reparation; (c) ensure the effective investigation and ex officio prosecution of cases of domestic violence; and (d) specifically criminalize domestic violence and marital rape and include the latter in the bill on sexual offences. Please indicate how many additional shelters for women have been established and provide data on the number of investigations opened into and prosecutions and trials conducted in domestic violence cases (para. 21). Please indicate steps taken to explicitly prohibit the corporal punishment of all children in all settings.

Trafficking and exploitation of prostitution

9. The Committee previously expressed regret at the lack of disaggregated data on women who were victims of trafficking (para. 2). With reference to paragraphs 5 and 24–25 of the previous concluding observations, please provide updated information on the impact of and challenges experienced in the implementation of the Combating of Trafficking in Persons Act of 2009. Please also indicate whether a comprehensive national action plan has been adopted, a coordination mechanism has been developed to tackle trafficking and sexual exploitation and sufficient human and financial resources have been allocated for the effective implementation of the action plan. Please inform the Committee about steps taken to raise awareness, in particular among young women in rural areas, about the risks of falling victim to trafficking and sexual exploitation and provide data on the prevalence of those phenomena in the State party. Please indicate measures taken to ensure that migration and asylum policies do not deter women and girls from lawfully gaining access to asylum in the State party, or limit opportunities in that regard, and thus increase their vulnerability to trafficking and exploitation.

10. Please update the Committee on measures taken to tackle the root causes of trafficking in and exploitation of women, including by improving the economic situation of women and girls, in particular migrant workers. Please provide data, disaggregated by sex, on the number of sex workers and trafficked persons and of complaints, investigations, prosecutions and sentences imposed in cases of trafficking and forced prostitution. Please also provide information on measures taken by the State party to provide alternative income opportunities to women in prostitution, including exit programmes for those who wish to leave prostitution.

Participation in political and public life

11. The Committee previously expressed concern about the fact that women continued to be underrepresented in senior positions in the Government and in the diplomatic service owing to systematic barriers that continued to impede their equal participation in political life, such as doubts about women's leadership capabilities, a lack of temporary special measures in the form of quotas for women and of capacity-building and logistical support for potential women candidates and limited financial resources (para. 26). Please provide information on steps taken to address those

obstacles and to pursue sustained policies aimed at promoting the full and equal participation of women in decision-making in all areas of political and public life. Please provide information on the status of the bill on local government and how the law will ensure the participation of women in the electoral process. Please also provide information on activities to raise awareness of the importance of the participation of women in decision-making for society as a whole and of targeted training and mentoring programmes for women candidates and women elected to public office. Please explain whether women in the parliament and in the public service have access to childcare facilities (para. 27 (e)), education allowances, paid parental leave and leave for family reasons, which would enable their full and effective participation in political and public life.

Education

12. In the light of the Committee's previous concluding observations (para. 29), please provide information on measures taken, including their impact and results, to raise awareness of the importance of education for women and girls and to address regional disparities in access to education. Please provide disaggregated data on girls' absenteeism at the primary level of education, their progression at the primary, secondary and tertiary levels and the dropout rate among pregnant adolescents, in addition to information on measures taken to address those phenomena. Please provide information on the outcome of the study reportedly conducted by the State party into the better academic performance of girls.

13. Please provide information on policies adopted to encourage women and girls to choose non-traditional fields of education, including mathematics, engineering, science and technology, and any quotas or other measures such as scholarships, for girls in technical and vocational areas of study. Please also provide data, disaggregated by sex, on courses pursued at the secondary and tertiary levels. Please describe measures taken to combat gender stereotypes at all levels and to train teachers on eliminating discriminatory gender stereotyping.

14. Please provide information on progress made and measures taken to strengthen the position of women in leadership roles in academic institutions and supply data, disaggregated by sex, on the number of women in senior administrative and academic positions at all levels of the education system. Please describe specific measures taken to overcome the barriers faced by asylum-seeking and migrant women and girls in gaining access to education. Please provide updated information on measures taken to continuously revise curricula to ensure that they include age-appropriate education on sexual and reproductive health and rights at all educational levels in order to combat early pregnancy and inform young people about responsible sexual behaviour.

Employment

15. In its previous concluding observations (para. 30), the Committee, while noting progress made in some areas, reiterated its concern regarding the persistent gender pay gap in the public and private sectors, pointing out that the equal remuneration provision under the Employment Rights Act (2008) did not reflect the principle of equal remuneration for work of equal value, that there was horizontal and vertical segregation in the labour market, that women were concentrated in low-skilled jobs with low pay and poor working conditions and that the enforcement of labour laws was weak. Please indicate whether the State party has taken measures, including, as recommended by the Committee (para. 31), amending section 20 of the Act to ensure compliance with article 11 of the Convention and the Equal Remuneration Convention, 1951 (No. 100), of the International Labour Organization, as well as under the national gender policy framework to eliminate employment discrimination against women and to close the gender pay gap. In the light of the admission by the

State party in its common core document (HRI/CORE/MUS/2016, para. 6) that it has been facing increasing income inequality in recent years, with the income of the bottom 40 per cent of the population growing at an annual rate of 1.8 per cent compared with 3.1 per cent for the rest, please provide information on gender-sensitive social welfare policies intended to redress the situation.

16. Please indicate whether, as recommended by the Committee (para. 31), the State party has amended section 30 of the Employment Rights Act to make maternity leave dependent on 12 prior consecutive working months regardless of the number of previous employers, given that women tend to change jobs frequently. In that regard, please also provide information on the progress made by the National Remuneration Board in developing a non-discriminatory mechanism for wage determination.

17. Please inform the Committee about the impact of strengthened labour law enforcement, in particular with regard to sexual harassment, and on the outcome of the evaluation of the effectiveness of section 38 of the Employment Rights Act to combat sexual harassment in the workplace, including data on complaints received and action taken to respond to them (para. 31).

18. In the light of the Committee's previous concerns about poor working conditions for women migrant workers, including insufficient wages and restrictions on their movement through the withholding of their passports (para. 34), please provide information on measures taken to ensure the equal application of labour laws to women migrant and local workers so as to prevent labour exploitation by local employers. In particular, please provide information on regular visits conducted by the Ministry of Labour, Industrial Relations, Employment and Training and the Ministry of Health and Quality of Life to private households when there are reasonable grounds to believe that migrant workers' rights are being violated, and on any measures taken to scrutinize all employment contracts of women migrant workers so as to prevent exploitative terms and assess their legality under the State party's labour laws. Please also provide data, disaggregated by sex, on the number of migrant workers and their fields of occupation, the number of complaints filed against abusive employers and the number and outcome of investigations conducted.

Health

19. In the light of the Committee's previous concern about the prevalence of early pregnancy in the State party, the criminalization of abortion, including punitive measures faced by women and girls pursuing an abortion, the high number of unsafe abortions and the ensuing high rate of health complications suffered by women and girls (para. 32), please provide information on steps taken by the State party to: (a) amend section 235 of the Criminal Code, on abortion, to remove punitive measures imposed on women who undergo abortion and to legalize abortion in cases of threats to the life or health of pregnant women, rape, incest and serious impairment of the fetus, and to decriminalize it in all other cases; (b) conduct awareness-raising campaigns among pregnant women and adolescent girls and their families about the serious health risks of unsafe abortions; and (c) ensure the provision of skilled medical aid and post-abortion care for women and girls suffering from health complications arising from unsafe abortions. Please also provide data, disaggregated by age, on health complications arising from unsafe abortions and on the prevalence of early pregnancy in the State party.

20. With regard to the Committee's previous concerns about the vulnerability of sex workers in terms of contracting and transmitting HIV and other sexually transmitted infections (para. 32), please indicate measures taken to ensure the provision of medical check-ups, modern forms of contraception, counselling and alternative income opportunities, including exit programmes for women who wish to leave

prostitution. Please update the Committee on all measures adopted, and their impact, to implement the national plan to combat HIV/AIDS, and provide data, disaggregated by sex, on HIV (para. 33).

Disadvantaged groups of women

21. Please provide comprehensive information, disaggregated by ethnicity and religion where applicable, about the human rights situation, in practice, of disadvantaged groups of women, including rural women, older women (including widows and divorcees), women with disabilities, migrant women and refugee and asylum-seeking women and girls, who often suffer from intersecting forms of discrimination (paras. 36–37). Please also describe the measures taken to ensure that those women and girls have effective access to justice, education, health-care services, housing, employment, income-generating opportunities, ownership of land and participation in political and public life at the decision-making level, including through temporary special measures, in addition to protection from gender-based and sexual violence.

Climate change

22. According to information before the Committee, rural women are particularly vulnerable to natural disasters. In line with target 13.3 of the Sustainable Development Goals, on improving education, awareness-raising and human and institutional capacity on climate change mitigation, adaptation, impact reduction and early warning, and target 13.b, on promoting mechanisms for raising capacity for effective climate change-related planning and management in least developed countries and small island developing States, including focusing on women, youth and local and marginalized communities, please indicate what measures the State party has taken to ensure that women, including rural women, are active participants in the formulation and implementation of national policies concerning disaster risk reduction, post-disaster management and climate change.

Marriage and family relations

23. With reference to paragraph 15 of the Committee's previous concluding observations and the State party's related follow-up report (CEDAW/C/MUS/CO/6-7/Add.1), please provide additional information on action taken to repeal section 16 (4) (c) of the Constitution, which discriminates against women with regard to adoption, marriage, divorce, burial and devolution of property upon death, and to adopt all measures necessary to bring the Constitution into compliance with articles 2 and 16 of the Convention. Please also indicate whether the assessment by the Muslim Family Council, set up in 1990, to provide recommendations on the need to review the Constitution and the establishment of a consensus-seeking commission to review existing rules governing marriage and dissolution of marriage celebrated in accordance with Muslim rites were undertaken before or after the Committee issued its concluding observations. Please also provide information as to whether education campaigns on equality and non-discrimination have been introduced in view of the repeal of section 16 (4) (c) of the Constitution (para. 15).

24. Please provide information on current research and findings as to gender differences in the economic consequences of the dissolution of marriages or de facto relationships. Please also provide information on the type of property being distributed. In particular, please indicate whether the Civil Code recognizes intangible property, including pension funds, severance payments and insurance, as part of the family property to be distributed. Please clarify whether the law provides for the distribution of future earning capacity and human capital or allows for consideration of enhanced earning capacity or human capital in any manner upon the distribution

of property, for example through a lump-sum award reflecting the other spouse's estimated share in this type of asset or by allowing for an award of compensatory spousal payment.

Additional information

25. Please provide any additional information deemed relevant regarding legislative, policy, administrative and any other measures taken to implement the provisions of the Convention and the Committee's concluding observations since the consideration of the previous periodic reports, in 2011. Such measures may include recent laws, developments, plans and programmes, recent ratifications of human rights instruments or any other information that the State party considers relevant. Please note that, further to the issues raised herein, the State party is expected, during the dialogue, to respond to additional questions relating to areas covered by the Convention.